

Exhibit J

Communicating and active listening:

An Overview of What Active Listening is and How to
Use it for Cleveland Police Officers

Our purpose



Case Law



Case Law

Case Law Has Been Established Stating That Officers
MUST Consider the Subject's Mental Health When
Using Force.

Griffith v. Coburn

It cannot be forgotten that the police were confronting an individual whom they knew to be mentally ill . . . even though the Officers may not have known the full extent of his autism and his unresponsiveness.

Griffith v. Coburn

The diminished capacity of an unarmed detainee must be taken into account when assessing the amount of force exerted.

Deorle v. Rutherford

“Where it is or should be apparent to the officers that the individual involved is emotionally disturbed, that is a factor that must be considered in determining the reasonableness of the force employed”

How do we normally gain information?

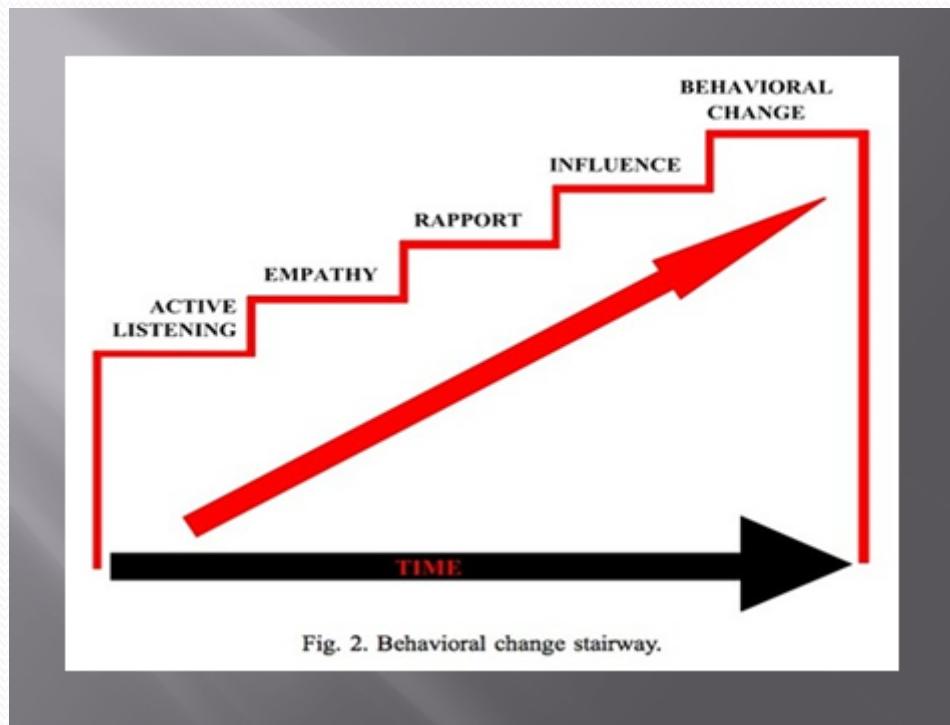
- Ask Questions
- Interview and Interrogation
- Investigations

Characteristics of Traditional Law Enforcement Questioning

- Rapid Fact Finding
- Quick Problem Solving
- Intrusive
- Focus on the Officers Agenda
 - “Just the Facts”
 - Control

Impact of Traditional Law Enforcement Questioning

- Diminishes Rapport
- Creates Pressure
- Can Provoke Defensiveness
- May Create Barriers



Persuasion vs. Influence

- Persuasion is presenting a case in such a way as to sway the opinion of others, make people believe certain information, or motivate a decision.
- Influence is having a vision of the optimum outcome for a situation and then, without using force or coercion, motivating people to work together toward making the vision a reality.

Persuasion vs. Influence

- Persuasion is More of a One Time Action
- Influence Lasts Longer and May Have Greater Positive Impact.
 - You Persuaded me to Enroll in College.
 - You Influenced me to Study Hard and Graduate.

Build Rapport

- Rapport is a Close and Harmonious Relationship in Which the People or Groups Concerned Understand Each Other's Feelings or Ideas and Communicate Well.

Build Rapport

- Building Rapport Creates Influence
 - Influence Can Cause a Change in a Person's Thoughts or Actions.

Build Rapport

- How to Build Rapport
 - Use Active Listening Skills
 - Show Empathy

Build Rapport

- Phrases That Damage Rapport

- Calm Down
- I Understand
- Why ?
- You Should / You Shouldn't

Empathy

- Identifying and Understand Another Person's Situation, Feelings, and Motive.

Empathy

- Does Not Mean You Feel the Same Way
- You Just Understand Their Feelings
- Helps Build Rapport and Influence

8 Active Listening Skills

- Emotional Labeling
- Paraphrasing
- Mirroring /Reflecting
- Summary
- Open Ended Questions
- Minimal Encouragers
- Effective Pauses
- “I” Messages

Active Listening is NOT...

- Advice
 - Not Your Ideas
 - Let Subject Have Their Own Ideas

Active Listening is NOT...

- Judgement
 - Not Your Values
 - You May Not Share the Same Values

Active Listening is NOT...

- Persuasion

Emotional Labeling

- State the Emotion That You Hear
 - You Sound
 - Sad
 - Angry
 - Depressed
 - Excited
 - Confused
 - Overwhelmed

Emotional Labeling

- Subjects May Not Understand Their Emotions
- Some Subjects May Be Misleading With Their Emotions
 - Laughing When Sad or Angry
 - Crying When Happy or Excited

Paraphrasing

- Put Meaning in Your Own Words
- Used for Brief Confirmations of Meaning
- Displays Attentiveness

Paraphrasing

- Just Because You Paraphrase a Subject's Statement Does Not Mean You Agree With It.
- You Are Just Ensuring the Subject That You Are Listening.

Paraphrasing

- Subject – “He Got All Up in My Face”
- Officer – “He Confronted You”

Mirroring / Reflecting

- You Repeat the Last Few Words
 - Subject - “She Doesn’t Pay Attention and It Makes Me Angry”
 - Officer - “It Makes You Angry...”

Mirroring / Reflecting

- Can Be Used To
 - Demonstrate Understanding
 - Encourage Subject to Keep Talking

Summary

- Periodically Covering the Main Points
- Tell Back the Story in Your Own Words
 - “So, What You’ve Told Me So Far...”

Open Ended Questions

- Questions that Require More Than a “Yes” or “No” Answer
 - “What Happened Today”
 - “How Would You Like This to Workout”

Open Ended Questions

- Conveys a Sincere Interest in Gaining Understanding
- Gives a Freedom of Response While Framing the Scope
- Limits the Feeling of Being Interrogated

Open Ended Questions

- Due to Altered State of Mind the Subject May Not Understand or Hear the Question When it is Asked.
- Sometimes the Question Will Need to be Repeated Numerous Times or Rephrased for Better Understanding.

Minimal Encouragers

- Brief Responses or Sounds That Indicate You are Present and Listening
 - Uh-Huh
 - Yeah
 - OK
 - Nodding Your Head (If Face to Face)

Minimal Encouragers

- Best Used When the Subject is
 - Talking Through an Extended Thought
 - Talking for an Extended Period of Time

Effective Pauses

- Uses Immediately Before or After Saying Something Meaningful
- Helps Focus Thoughts

Effective Pauses

- Helps Show the Subject the Conversation is a Turn Taking Process
 - Subject Will Better Understand That They Have a Time to Talk and a Time to Listen.
 - Helps Develop Structure to the Conversation.

“I” Messages

- Used to Confront Uncooperative Behavior
- Used to Confront Without Being Accusatory

“I” Messages

- “When You Do This ... I Feel This ...”
- “Because of This ... I Feel This ...”

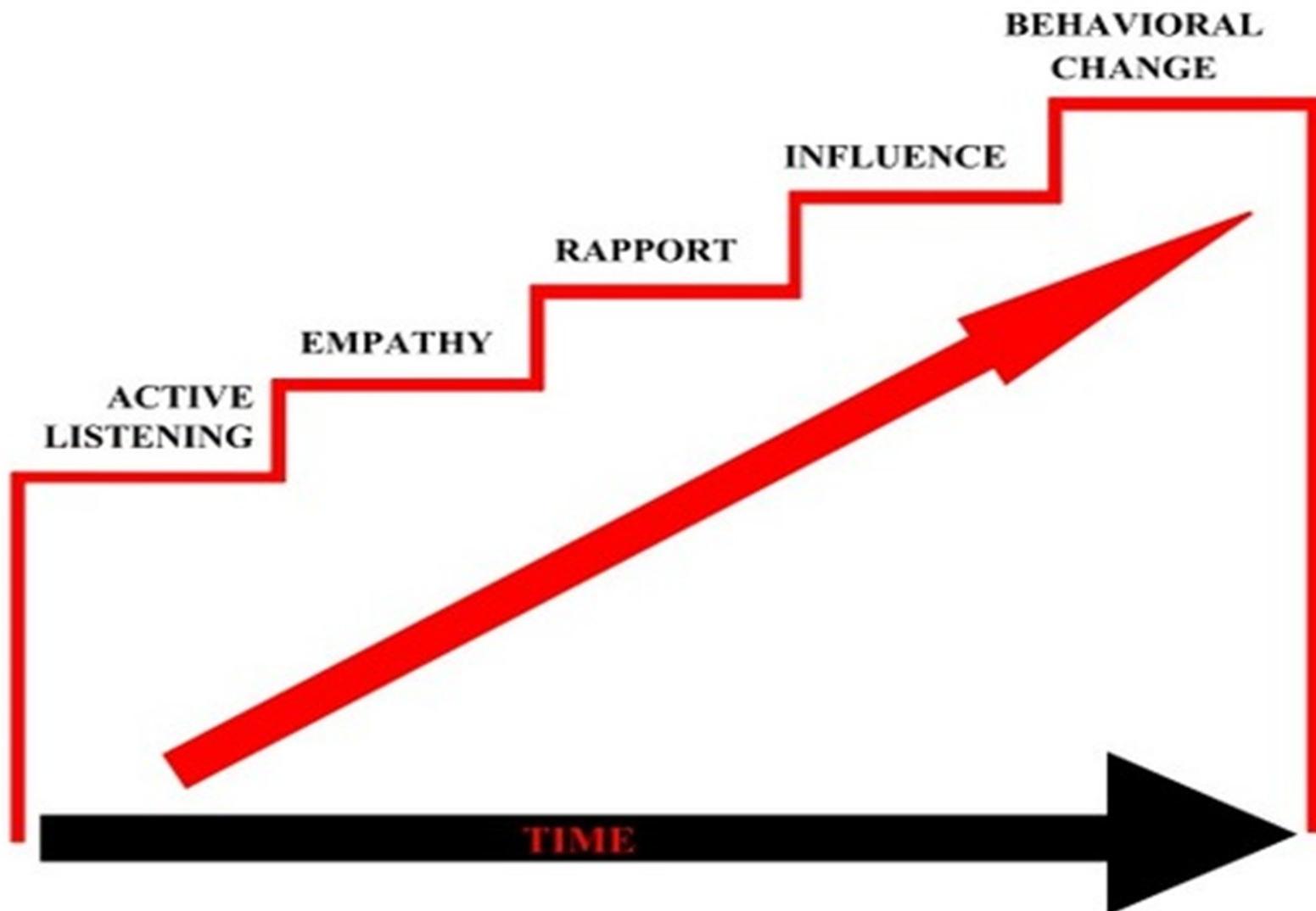


Fig. 2. Behavioral change stairway.

Practice Test

Practice Test

Review

TEST